

# EXHIBIT D

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

THE NEW YORK TIMES COMPANY,

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI, INC.,  
OPENAI LP, OPENAI GP, LLC, OPENAI, LLC,  
OPENAI OPCO LLC, OPENAI GLOBAL LLC,  
OAI CORPORATION, LLC, and OPENAI  
HOLDINGS, LLC,

Defendants.

Civil Action No. 1:23-cv-11195-SHS

THE NEW YORK TIMES COMPANY’S FIRST SET OF INTERROGATORIES TO OPENAI,  
INC., OPENAI LP, OPENAI GP, LLC, OPENAI, LLC, OPENAI OPCO LLC, OPENAI  
GLOBAL LLC, OAI CORPORATION, LLC, AND  
OPENAI HOLDINGS, LLC

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, and Rule 33.3(a) of the Local Civil Rules of the United States District Court for the Southern District of New York (the “Local Civil Rules”), The New York Times Company (“The Times”) requests that OpenAI, Inc., OpenAI LP, OpenAI GP, LLC., OpenAI, LLC., OpenAI, OpCo LLC., OpenAI Global, LLC., OAI Corporation, LLC., and OpenAI Holdings, LLC. (“OpenAI Defendants”) send written responses to the following interrogatories within thirty (30) days of service, to The Times’s counsel Susman Godfrey LLP electronically and/or to Susman Godfrey’s physical offices located at One Manhattan West, New York, New York 10001-8602.

**I. DEFINITIONS**

The following definitions and instructions apply to the Interrogatories listed below:

**INTERROGATORY NO. 7:**

Identify all Text Generation AI Models, including versions and release dates, and for each model, specify the existence, custodian, location, and general description of technical documentation and documentation of training processes related to that model, and whether that model was pre-trained, trained, or fine-tuned using Times Content or otherwise affected by Times content.

**INTERROGATORY NO. 8:**

Identify all Generative AI Products and Services that incorporate, use, or rely on Text Generation AI Models, including versions and release dates, and for each product or service, specify the existence, custodian, location, and general description of documents concerning user engagement, output, user feedback, and analytics for that product or service.

**INTERROGATORY NO. 9:**

Identify the existence, custodian, location, and general description of documents reflecting user sessions on Defendants' Generative AI Products and Services, including any logs of queries, query responses, sessions, clicks, sessions, and chats.

**INTERROGATORY NO. 10:**

Identify Your Training Datasets, and for each such Training Dataset, specify the existence, custodian, location, and general description of technical documentation related to that Training Dataset, as well as the extent to which that Training Dataset includes Times Content.

Dated: May 22, 2024

/s/ Zach Savage  
Ian Crosby (*pro hac vice*)  
Genevieve Vose Wallace (*pro hac vice*)  
Katherine M. Peaslee (*pro hac vice*)  
SUSMAN GODFREY L.L.P.  
401 Union Street, Suite 3000  
Seattle, WA 98101  
Telephone: (206) 516-3880  
Facsimile: (206) 516-3883  
icrosby@susmangodfrey.com

gwallace@susmangodfrey.com  
kpeaslee@susmangodfrey.com

Davida Brook (*pro hac vice*)  
Emily K. Cronin (*pro hac vice*)  
Ellie Dupler (*pro hac vice*)  
SUSMAN GODFREY L.L.P.  
1900 Ave of the Stars, Suite 1400  
Los Angeles, CA 90067  
Telephone: (310) 789-3100  
Facsimile: (310) 789-3150  
dbrook@susmangodfrey.com  
ecronin@susmangodfrey.com  
edupler@susmangodfrey.com

Elisha Barron (5036850)  
Zachary B. Savage (ZS2668)  
Tamar Lusztig (5125174)  
Alexander Frawley (5564539)  
Eudokia Spanos (5021381)  
SUSMAN GODFREY L.L.P.  
One Manhattan West  
New York, NY 10001  
Telephone: (212) 336-8330  
Facsimile: (212) 336-8340  
ebarron@susmangodfrey.com  
zsavage@susmangodfrey.com  
tlusztig@susmangodfrey.com  
afrawley@susmangodfrey.com  
espanos@susmangodfrey.com

Scarlett Collings (4985602)  
SUSMAN GODFREY L.L.P.  
1000 Louisiana, Suite 5100  
Houston, TX 77002  
Telephone: (713) 651-9366  
Facsimile: (713) 654-6666  
scollings@susmangodfrey.com

Steven Lieberman (SL8687)  
Jennifer B. Maisel (5096995)  
Kristen J. Logan (*pro hac vice*)  
ROTHWELL, FIGG, ERNST & MANBECK, P.C.  
901 New York Avenue, N.W., Suite 900 East  
Washington, DC 20001  
Telephone: (202) 783-6040  
Facsimile: (202) 783 6031  
slieberman@rothwellfigg.com

jmaisel@rothwellfigg.com  
klogan@rothwellfigg.com

*Attorneys for Plaintiff*  
*The New York Times Company*

**CERTIFICATE OF SERVICE**

I declare that I am employed with the law firm of Susman Godfrey L.L.P., whose address is One Manhattan West, New York, NY 10001. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on May 22, 2024, I served a copy of:

**THE NEW YORK TIMES COMPANY'S FIRST SET OF INTERROGATORIES TO OPENAI, INC., OPENAI LP, OPENAI GP, LLC, OPENAI, LLC, OPENAI OPCO LLC, OPENAI GLOBAL LLC, OAI CORPORATION, LLC, AND OPENAI HOLDINGS, LLC**

- ☒ **BY ELECTRONIC SERVICE [Fed. Rule Civ. Proc. Rule 5(b)(2)(E)]** by electronically mailing a true and correct copy through Susman Godfrey L.L.P.'s electronic mail system to the email address(es) set forth below, or as stated on the attached service list per agreement in accordance with Fed. Rule Civ. Proc. Rule 5(b)(2)(E).
- ☐ **BY PERSONAL SERVICE** I caused to be delivered such envelope by hand to the offices of the addressee.

**See Attached Service list**

I declare under penalty of perjury that the following is true and correct.

Executed at New York, New York, this 22<sup>nd</sup> day of May, 2024.

Alexander Frawley

/s/ Alexander Frawley

**SERVICE LIST**

**[OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com)**

Joseph C. Gratz  
Vera Ranieri  
Morrison & Foerster LLP  
425 Market Street  
San Francisco, CA 94105-2482  
Telephone: (415) 268-6066  
Facsimile: (415) 268-7522  
Email: jgratz@mofo.com  
Email: Vranieri@mofo.com

Allyson R. Bennett  
Rose S. Lee  
Morrison & Foerster LLP  
707 Wilshire Boulevard, Suite 6000  
Los Angeles CA 90017  
Telephone: (213) 892-5200  
Facsimile: (213) 892-5454  
Email: Abennett@mofo.com  
Email: RoseLee@mofo.com

Eric Nikolaidis  
Morrison & Foerster LLP  
250 W. 55th St  
New York, NY 10019  
Telephone: 212-336-4061  
Email: enikolaides@mofo.com

**Attorneys for Defendants  
OpenAI, Inc., OpenAI LP, OpenAI GP, LLC,  
OpenAI, LLC, OpenAI OpCo LLC, OpenAI Global  
LLC, OAI Corporation, LLC, And OpenAI  
Holdings, LLC**

**[OpenAICopyrightLitigation.lwteam@lw.com](mailto:OpenAICopyrightLitigation.lwteam@lw.com)**

Andrew Gass  
Joseph Richard Wetzel , Jr.,  
LATHAM & WATKINS, LLP  
505 Montgomery Street, Ste. 2000  
San Francisco, CA 94111  
Telephone: (415)391-0600  
Facsimile: (415)-395-8095  
Email: andrew.gass@lw.com  
Email: joe.wetzel@lw.com

Allison Levine Stillman  
Luke Budiardjo  
LATHAM & WATKINS LLP  
1271 Avenue of the Americas  
New York, NY 10020  
Telephone: (212)906-1200  
Facsimile: 212-751-4864  
Email: alli.stillman@lw.com  
Email: luke.budiardjo@lw.com

Sarang Damle  
LATHAM & WATKINS LLP  
555 Eleventh Street NW, Suite 1000  
Washington, DC 20004  
Telephone: (202)637-2200  
Facsimile: 202-637-2201  
Email: sy.damle@lw.com

**Attorneys for Defendants  
OpenAI, Inc., OpenAI LP, OpenAI GP, LLC,  
OpenAI, LLC, OpenAI OpCo LLC, OpenAI  
Global LLC, OAI Corporation, LLC, And  
OpenAI Holdings, LLC**

[kvpoai@keker.com](mailto:kvpoai@keker.com)

Robert A. Van Nest  
Paven Malhotra  
R. James Slaughter  
Katie Lynn Joyce  
Michelle S. Ybarra  
Nicholas S Goldberg  
Sarah Salomon  
Thomas Edward Gorman  
KEKER, VAN NEST & PETERS LLP  
633 Battery Street  
San Francisco, CA 94111  
Telephone: (415) 391-5400  
Facsimile: (415) 397-7188  
Email: rvannest@keker.com  
Email: pmalhotra@keker.com  
Email: rslaughter@keker.com  
Email: kjoyce@keker.com  
Email: mybarra@keker.com  
Email: ngoldberg@keker.com  
Email: ssalomon@keker.com  
Email: tgorman@keker.com

**Attorneys for Defendants  
OpenAI, Inc., OpenAI LP, OpenAI GP, LLC,  
OpenAI, LLC, OpenAI OpCo LLC, OpenAI Global  
LLC, OAI Corporation, LLC, And OpenAI  
Holdings, LLC**

[NewYorkTimes Microsoft OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com)

Annette L. Hurst  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
The Orrick Building  
405 Howard Street  
San Francisco, CA 94105  
Telephone: (415)773-5700  
Facsimile: (415)773-5759  
Email: ahurst@orrick.com

Christopher J. Cariello  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
51 West 52nd Street  
New York, NY 10019  
Telephone: (212) 506-3778  
Facsimile: (212) 506-5151  
Email: ccariello@orrick.com

Sheryl Koval Garko  
Laura Brooks Najemy  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
222 Berkeley Street, Suite 2000  
Boston, MA 02116  
Telephone: (617) 880-1800  
Facsimile: (617) 8801-1801  
Email: sgarko@orrick.com  
Email: lnajemy@orrick.com

**Attorneys for Defendant  
Microsoft Corporation**



**[MicrosoftNYClassActionFDBR@faegredrinker.com](mailto:MicrosoftNYClassActionFDBR@faegredrinker.com)**

Jeffrey S. Jacobson  
FAEGRE DRINKER BIDDLE & REATH LLP  
1177 Avenue of the Americas  
New York, New York 10036  
Telephone: (212) 248-3191  
Email: [jeffrey.jacobson@faegredrinker.com](mailto:jeffrey.jacobson@faegredrinker.com)

Jared B. Briant  
FAEGRE DRINKER BIDDLE & REATH LLP  
1144 15th Street, Suite 3400  
Denver, Colorado 80202  
Telephone (303) 607-3588  
Email: [jared.briant@faegredrinker.com](mailto:jared.briant@faegredrinker.com)

**Attorneys for Defendant  
Microsoft Corporation**